

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIO H. RODRIGUEZ,
Plaintiff,

-v-

MORAN AUTOMOTIVE AND
TOWING, INC., *et al.*,
Defendants.

21-CV-2529 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Plaintiff Julio H. Rodriguez brings this action against Moran Automotive and Towing, Inc., and Timothy H. Wilson, alleging he was injured in a car accident due to defendants' negligence.

This action was filed on March 30, 2021 (Dkt. No. 3). Plaintiff then filed an amended complaint on April 9, 2021. (Dkt. No. 8). The docket reflects that Rodriguez has not served the defendants with the complaint. On July 13, 2019, the Court directed Plaintiff to advise the Court in writing why he has failed to serve the summons and complaint on the defendants, or, if the defendants have been served, when and in what manner such service was made. (Dkt. No. 9). The Court warned Plaintiff that if no written communication was received by July 27, 2021, the Court would dismiss the case. The Court has not received any such communication.

Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within 90 days after the complaint is filed. Rule 4(m) requires that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Accordingly, in light of Plaintiff's failure to serve the defendants and to respond to this Court's Order, this case is DISMISSED without prejudice. The Clerk is directed to close the case.

Plaintiff is directed to serve a copy of this order by mail on the defendant.

SO ORDERED.

Dated: August 2, 2021
New York, New York



J. PAUL OETKEN
United States District Judge